

REMARKS

Applicant appreciates the Examiner's thorough examination of the present application as evidenced by the Office Action of September 26, 2006 (hereinafter "Office Action"). In response, Applicants have amended independent Claims 1 and 9 to clarify that the first and second antenna patches comprise a loading resistor. Applicants have also amended dependent Claim 2 to replace the recitation "forming material" with "electret material." Applicant respectfully submits that the cited reference does not disclose or suggest, at least, the recitations of the pending independent claims, as amended. Accordingly, Applicant submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Section 112 Rejections

Independent Claims 1 and 9 stand rejected under 35 U.S.C. §112, second paragraph, as being unpatentable because the word "approximately" is alleged to be indefinite. (Office Action, page 2). In *Verve v. Crane Cams, Inc.*, 311 F.3d 1116 (Fed. Cir. 2002), the Federal Circuit discusses the meaning of the term "substantially" and whether that term renders a claim indefinite. The court held that the term "substantially" is not indefinite when it "serves reasonably to describe the subject matter so that its scope would be understood by persons in the field of the invention." (*Verve* at 1119-20). Moreover, this scope may be derived by extrinsic evidence without rendering the claim invalid. (*Verve* at 1119). The court further stated that "[p]atent documents are written for persons familiar with the relevant field; the patentee is not required to include in the specification information readily understood by practitioners, lest every patent be required to be written as a comprehensive tutorial and treatise for the generalist, instead of a concise statement for persons in the field." (*Verve* at 1119).

In view of the above, Applicant respectfully submits that one skilled in the field of the present invention would readily understand the scope of the phrase first and second antenna patches having lengths that are "approximately equal to each other." Accordingly, Applicant submits that Claims 1 and 9 satisfy the requirements of 35 U.S.C. §112.

Dependent Claim 2 stands rejected under 35 U.S.C. §112, second paragraph, as being

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indefinite because the recitation "forming material" is unclear. In response, Applicants have amended Claim 2 to replace the recitation "forming material" with "electret" material. Support for this amendment can be found at page 5, lines 8 and 9 of the Specification. Applicant respectfully submits that Claim 2, as amended, satisfies the requirements of 35 U.S.C. §112.

Independent Claims 1 and 9 are Patentable

Independent Claims 1 and 9 stand rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent No. 6,650,294 to Ying et al. (hereinafter "Ying"). Claim 1 is directed to an antenna arrangement for a portable communication device. Claim 1 has been amended to clarify that the first and second antenna patches comprise a loading resistor. Claim 1 now recites, in part:

a first antenna patch configured to be-connected to a first feeding potential (V1), and a second antenna patch configured to be connected to a second feeding potential (V2), said antenna patches comprising a variable capacitance feeding and a loading resistor, wherein the first and second patches are separated by a gap and have lengths approximately equal to each other.

Claim 9 includes similar recitations. Support for the amendments to Claims 1 and 9 can be found in the Specification at page 6, lines 25 - 26.

Applicant acknowledges that Ying discloses an antenna that includes two parallel antenna patches as shown in FIG. 2. Applicant submits, however, that Ying does not appear to disclose or suggest designing one or both of the antenna patches with a loading resistor as recited in Claims 1 and 9. The impedance Z 235 shown in FIG. 2 of Ying is described as a capacitance or inductance. (Ying, col. 5, lines 48 - 39).

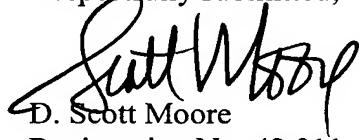
Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claims 1 and 9 are patentable over Ying and that Claims 2 - 8 are patentable at least per the patentability of independent Claims 1 and 9.

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CONCLUSION

In light of the above amendments and remarks, Applicant respectfully submits that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

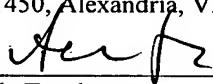
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 22, 2006


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